

### **REMARKS**

This responds to the Final Office Action dated June 21, 2010.

Claims 17, 27, and 44 are amended, claims 39-43 are canceled, and claims 55-59 are added; as a result, claims 17-38, 44, and 51-59 are now pending in this application.

#### **New Claims**

Claims 17, 27 and 44 are currently amended. Claims 55-59 are new. Claim 55 is substantially claim 39 with clarification added and unnecessary limitations deleted. In addition, the same limitation that was added to claims 17, 27, and 44 has been included claim 55. Claims 56-59 are equivalent to cancelled claims 40-43. Support for the new claims is the same as the support for cancelled claims 39-43. Applicants believe that no new matter has been introduced in the added claims. Additionally, Applicants respectfully submit that the new claims are patentably distinct over the references currently cited as a basis of rejection as discussed with respect to claims 17, 27 and 44. Accordingly, Applicants respectfully request that the Examiner consider and allow the newly added claim.

#### **The Rejection of Claims Under § 103**

Claims 17, 19-32 and 34-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over W.O. 99/00163 to Eilat et al. (hereinafter Eilat).

Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eilat in view of U.S. 6,335,744 to Korilis et al. (hereinafter Korilis).

Claims 18 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilat in view of Creating a live Broadcast from a Virtual Environment, Computer Graphics Proceedings, Annual Conference Series, by Greenhalgh et al. (hereinafter Greenhalgh).

Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eilat in view of U.S. 6,758,754 to Lavanchy et al. (hereinafter Lavanchy).

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eilat in view of Korilis, in further view of Lavanchy.

Although other rationales for rejection under 35 U.S.C. § 103(a) may exist, the basis for an obviousness rejection is still grounded in a consideration of all claim elements. “All words in a claim must be considered in judging the patentability of that claim against the prior art.”<sup>1</sup> Additionally, to render the claimed subject matter obvious, the prior art references must teach or suggest every feature of the claims.<sup>2</sup> Applicants traverse the above rejections under Section 103. Applicants respectfully submit that Eliat, either alone or in any combination with Korolis, Greenhalgh and Lavanchy, does not disclose all the limitations of the pending claims and, in any event, a skilled artisan would not have been motivated to combine their teachings.

Independent claims 17, 27, and 44 have been amended to clarify the limitations of the claim and to delete unnecessary limitations. Further, the independent claims have been amended to provide that the video images produced are “for broadcasting a view of the game where the view of the game can be customized for the game played and for the at least two players....” Support for this amendment is found in Applicants’ specification at page 6, line 27 to page 7, line 2. Additional support is found page 9, lines 11-17; page 10, lines 10-19; page 21, lines 15-18; page 24, line 19 to page 25, line 2, and elsewhere in the specification.

Applicants respectfully submit that this limitation is not taught by Eliat, nor any of the other prior art cited.

For example, in contrast to customizing the view of the game, for the game played, and for the at least two players, Eliat employs a client-server arrangement (head end and set-top boxes) to enable multiple viewers to watch a player of an interactive game, e.g. and interactive game show, rather than customizing the broadcasted view of the game for each player. Instead, Eliat broadcasts the same video information to all players of the game while separately communicating information to the player of the game via the set-top boxes so that the game can be played and broadcasted. This can be seen in Figures 6A and 6B which illustrate the gaming method of Elian where a player uploads a picture to the head end to form an avatar in the game, and the head end then encodes first and \second versions of the game to view and conduct the

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<sup>1</sup> *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). *See also* MPEP § 2143.03.

<sup>2</sup> *See* Manual of Patent Examining Procedure §§ 706.02(j), 2143(A) (2008); MPEP § 2142 (2006) (citing *In re Vaeck*, 947 F.2d, 488 (Fed. Cir. 1991). Cited approvingly in *Ex parte WEN WEN* and *PATRICIA NG* at 7; Appeal No. 2009-000776; decided September 25, 2009.

game. That is the first version is transmitted to all the viewers not participating and the second version is transmitted to the players so that the game can be conducted. No customizing of the view of the game, or for the player, is disclosed.

As another example, page 19, paragraphs 1, 2, and 5 of Eliat disclose a player being selected to play the interactive game, e.g., a game show, using a picture of himself as an avatar in the game, and the head end processing the picture so that the same picture is viewed by all viewers. That is, these passages disclosed a player participating in a game with his picture being viewed by multiple viewers of the game rather than each viewer being able to customize the broadcast view, as now provided in the independent claims. Applicants respectfully submit that no disclosure of Eliat shows the above limitation from the independent claims.

**The Invention is not obvious even after combining Eliat with any combination of  
Korolis, Greenhalgh and Lavanchy**

After KSR, and perhaps even before KSR, there is no requirement that it be obvious to combine the elements of the references. The real test is, when the elements are combined is the claimed invention obvious? But when Eliat and any combination of Korolis, Greenhalgh and Lavanchy are combined, at least the element of claim 17 directed to customizing is missing as discussed above. Therefore Applicants respectfully submit that claim 17 is not obvious over Eliat in view of Korolis, Greenhalgh and Lavanchy. Applicants therefore request that the rejection please be withdrawn.

Independent claims 27, 44 and 56, which are the rest of the independent claims in the application, contain an element that are the same or similar to the element of claim 17 that is missing from Eliat, and from any combination of Eliat and Korolis, Greenhalgh and Lavanchy. Applicants therefore believe that claims 27, 44, and 55 are allowable for the same reasons claim 17 is allowable. Further, since claims 18-26, 27-38, 51-54, and 56-59 depend, either directly or indirectly from claims 17, 27, 44, and 55, they too are allowable for at least the same reasons. Furthermore, these dependent claims each may contain additional patentable subject matter.

**CONCLUSION**


Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is requested. The Examiner is invited to telephone the undersigned at (530) 889-2402 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

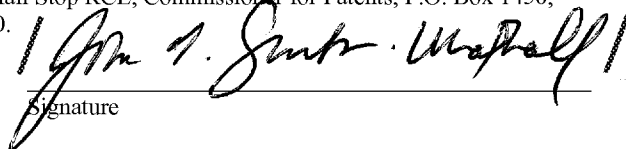
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Date August 23, 2010

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23 day of August, 2010.

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Signature